UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/SR.19
9 November 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 August 1999, at 3 p.m.

Chairman: Mr. HATANO

later: Mr. RAMISHVILI

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GE.99-14960 (E)

The meeting was called to order at 3 p.m.

HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND (agenda item 7) (continued) (E/CN.4/Sub.2/1999/18, 20 and 24; E/CN.4/Sub.2/1999/NGO/1 and 16; E/CN.4/Sub.2/AC.4/1999/7)

1. Ms. ANTILEO (American Association of Jurists) said that Chile's Mapuche people had been dispossessed of much of their land. Since coming into being in 1810, the State of Chile had pursued a policy of uprooting and forcibly assimilating the Mapuche people. For 200 years the Mapuche had waged a struggle within the framework of the law and institutions, but had failed to secure recognition or justice. In certain areas of Chile, the Government and the competent authorities had threatened the indigenous communities and accused them of endangering the rule of law.

2. With just a few months to go before the end of the International Decade of the World's Indigenous People, it had to be admitted that, despite some progress, the underlying problems of indigenous peoples remained. Any legislative process that ignored indigenous peoples as fully fledged interlocutors would result in unjust laws. The American Association of Jurists requested the Sub-Commission to recommend that, when drafting land legislation that applied to indigenous peoples, Governments should take account of the holistic attitude which such peoples had to the land, an attitude which involved sound and moderate use of natural resources coupled with protection of ancestral places.

3. Mr. MROMIO (North-South XXI) said that he wished to highlight a key point in the issue under discussion, namely the right of indigenous people to self-determination. In her report on indigenous peoples and their relationship to land (E/CN.4/Sub.2/1999/18), the Special Rapporteur had rightly emphasized the transcendental nature of the relationship between such peoples and the land. However, that profound and often sacred sense of rootedness was under constant threat. Indeed it was often violated by private companies and public corporations which were solely concerned to exploit resources in an unrestrained manner, thereby contributing to environmental degradation. In 1995, for example, the Peruvian Government had launched a water supply project which had resulted in a drought in the Ayro region in the Andes, thereby threatening the fragile regional ecosystem, causing the disappearance of local fauna and hence depriving the indigenous population of its principal food source.

4. North-South XXI believed that the right to self-determination, which did not necessarily mean independence, implied that peoples had the option to choose their political and social status both domestically and internationally. The Sub-Commission was the most suitable body to articulate that rignt and press for its implementation.

5. Ms. AMALIA (Netherlands Organization for International Development Cooperation) said that a sacral relationship existed between indigenous peoples and land. However, the Indonesian Government, which had no interest in that relationship, had authorized companies with interests in forestry and

large-scale monoculture to move into indigenous community lands. In collaboration with those investors, the Government had displaced the indigenous communities and destroyed the religious relationship between them and the land. Deprived of their resources, indigenous people had been marginalized in the economic, social, cultural and political fields.

6. Citing security reasons, the Government and the military had frequently violated the human rights of the indigenous communities, which had been sacrificed in the name of development. Conglomerates had not scrupled to pay the military to safeguard their forestry interests, especially to the detriment of indigenous populations.

7. The Sub-Commission should put pressure on the Indonesian Government to ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries as soon as possible.

8. Mr. ALFONSO MARTINEZ, speaking on a point of order, said he was surprised to note that a document of the Committee on the Elimination of Racial Discrimination had been circulated which had nothing to do with the agenda of the Sub-Commission. He wished to know whether the document in question, which requested the Secretary-General to look into a number of human rights violations in certain countries, had been circulated by the secretariat. If it had, he wished to know why.

9. Mr. LEBAKINE (Secretary of the Sub-Commission) said that the document in question was indeed a document of the Committee on the Elimination of Racial Discrimination which had just been received and had been circulated for the information of members of the Sub-Commission.

10. Mr. ALFONSO MARTINEZ said that he wished to be informed who selected Committee documents for circulation to the Sub-Commission, and what selection criteria were used. It was a serious issue and an inappropriate way to proceed.

11. Ms. WARZAZI, endorsing the comments by Mr. Alfonso Martinez, said that she did not doubt the good faith of the secretariat However, she herself had frequently remarked that certain initiatives by the Committee on the Elimination of Racial Discrimination had exceeded its mandate. The document in question should not have been circulated to the Sub-Commission, especially since the very first page indicated that it reflected the personal views of the author and not those of the Committee as a whole.

12. The CHAIRMAN said that the document had been circulated in his absence and that he would exercise greater vigilance in future.

13. Mr. HERNANDEZ AGUILAR (Agir ensemble pour les droits de l'homme) said that the insecurity of the indigenous peoples of Mexico, particularly in the Chiapas region, was a matter of considerable concern given the presence of a large military contingent in the conflict zone. That was especially true of the Selva Lacandona, where soldiers outnumbered local people. During frequent checks, soldiers had threatened to imprison villagers who

demanded respect for their rights, or arrested persons in possession of documents considered to be subversive, for example newspapers, bibles and even copies of the Mexican Constitution.

14. Indigenous human rights defenders were often imprisoned without charge for over a year. Recently, the Mexican Government had again used soldiers to patrol indigenous villages in the Chiapas region. But far from establishing security, the presence of soldiers was regarded by local people as a threat.

15. The Sub-Commission should endeavour to improve the lot of indigenous peoples. The Mexican Government had signed a number of instruments providing for the observance of indigenous peoples' rights, but they were still a long way from being implemented.

16. Mr. CONDORI (Indian Council of South America) thanked Ms. Daes and Mr. Alfonso Martinez for their valuable efforts to help indigenous peoples. Since the workload of the Working Group on Indigenous Populations was extremely heavy, he suggested that it should meet for 10 days with effect from the next session, thereby enabling it to carry out activities within the framework of the International Decade of the World's Indigenous People. Moreover, delegates' travelling expenses were very high and should be reconsidered on a sensible basis.

17. The theme of indigenous peoples and their relationship to land should be considered in a cross-cutting manner and appear on the Working Group's agenda each year. The Indian Council of South America further proposed that the central theme for the new millennium should be the rights of indigenous children and youth.

18. Mr. FAN Guoxiang said that he was not an expert in indigenous issues. From listening to the debate, he had gathered that there was still no specific definition of an indigenous population or a minority. Following an exchange of views on the matter with experts, he had concluded that indigenous populations were those present in a given area before the arrival of colonists. Yet he wondered whether the same situation really pertained in Asia and Africa. The right to self-determination was another issue that needed to be discussed. Those issues should be faced frankly, even if they gave rise to differences of opinion.

19. Ms. MORROW PATTY (Interfaith International) said that, in her report on indigenous people and their relationship to land (E/CN.4/Sub.2/1999/18), Ms. Daes had rightly stated that indigenous peoples had a spiritual connection with the land. Since the dawn of time, indigenous peoples had considered space to be holy.

20. Her own tribe, the Muscogee, believed that it would be worthwhile to make a study of the many Indian mounds in her native region. Public opinion should be made aware of the need to respect and preserve the mounds. A fruitful dialogue between indigenous people and the rest of the population would ensue.

21. Interfaith International endorsed the recommendations made by Mr. Alfonso Martinez in his final report (E/CN.4/Sub.2/1999/20) and hoped that they would be considered with an open mind and good intentions by all the parties concerned.

22. Of all the agencies of the United Nations, ILO had possibly contributed most to the success of the International Decade of the World's Indigenous People by ensuring compliance with Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. That Convention had established better understanding and more effective cooperation between Governments and indigenous peoples through technical cooperation projects, the organization of workshops and conferences, and the publication of relevant materials.

23. To ensure funding for activities within the framework of the International Decade, Interfaith International urged States to contribute generously to the Office of the High Commissioner for Human Rights, thereby enabling it to carry out its mandate. Such activities could only benefit indigenous peoples.

24. Mr. BARNES (Indigenous World Association) said that the most recent session of the Working Group on Indigenous Populations had been a success. Owing to the large number of issues on the Working Group's agenda, its future sessions should, if possible, last for 10 days or 8 days at the very least. Moreover, the land question needed to feature permanently on the agenda. Plans for future discussions on indigenous children and youth, who represented the future of indigenous peoples, were a welcome development.

25. It was regrettable that some Governments were being obstructionist in the working group for the preparation of the draft declaration on the rights of indigenous peoples. Indigenous World Association supported the declaration in its present form. If the contents of the draft declaration were watered down, its very purpose would be undermined, namely protection against arbitrary government policies and extinction.

26. The Special Rapporteur, Mr. Alfonso Martinez, should be commended for his important study on treaties, agreements and constructive arrangements between States and indigenous peoples, which had made a significant contribution to the recognition and protection of such peoples. Indigenous World Association therefore urged Governments to adopt the Special Rapporteur's recommendations.

27. The Sub-Commission should also pursue its study of indigenous peoples and their relationship to land. Peoples continued to be deprived of their land and their way of life was thereby jeopardized. Their right to self-determination should also be acknowledged. He was grateful to Ms. Daes for pointing out that the indigenous tribes of Alaska had never consented to the Alaska Native Claims Settlement Act. Nor had they ever been parties to the 1867 Treaty of Cession.

28. The Sub-Commission was to be commended for its ongoing support of indigenous peoples; it should continue to urge Governments to acknowledge and protect the fundamental rights of indigenous peoples.

29. Ms. BOWDEN (Liberation) said that, under the dictatorship of General Pinochet and successive civilian administrations, nearly 200,000 acres of Mapuche land had been transferred to multinational corporations and powerful landowners. The culture and traditional way of life of the Mapuche people had thus been jeopardized and they had slid into poverty. The Chilean Government had refused to enter into negotiations with the genuine representatives of the Mapuche Indians, whose leaders had been subjected to harassment and arrest. The Government was only prepared to negotiate with leaders appointed by itself.

30. In Brazil, under pressure from ranchers, gold miners and logging interests, the Government had reneged on its commitment to set aside land for the Makuxi and other indigenous peoples in the Raposa-Serra do Sol region (Roraima State). A savage campaign of intimidation had been unleashed against the Indians and at least 12 people had already been killed. The region which was home to the Yanomami people was also under threat and a bill was currently before Congress to promote mining in indigenous areas.

31. In India, the food and health problems afflicting the Tripuris had reached disaster proportions and the Indian Government was doing nothing to remedy them.

32. In Pakistan's Sind province, the human rights of the Sindhi people had been systematically violated. Rape, torture and deaths in custody were regular occurrences. A state of emergency had been declared, special courts had been established, and press censorship had been enforced. The Sub-Commission should look into the cases of all those indigenous peoples.

33. Mr. MALEZER (Aboriginal and Torres Strait Islander Commission) said that the Australian High Court had not abandoned the indefensible legal doctrine of terra nullius until 1992, in its Mabo v. Queensland decision. No treaty had ever been signed between the colonial power and the indigenous peoples in Australia. In the aftermath of the Mabo decision, indigenous demands for a negotiated settlement needed to be addressed.

34. Governments should accept the current version of the draft declaration on the rights of indigenous peoples and endeavour to end racial discrimination against indigenous peoples throughout the world.

35. In Australia, any document or treaty concerning reconciliation between indigenous and non-indigenous peoples would only be acceptable to the former if it was based on justice, equity and recognition of the specific nature of indigenous rights, their own systems of law and governance, and the principle of self-determination.

36. The Committee on the Elimination of Racial Discrimination believed that the changes which had been made to the Native Title Act were discriminatory to indigenous title holders. The Committee had also called on the Australian Government to suspend implementation of the amendments and reopen discussions with the representatives of the aboriginal and Torres Strait islander peoples.

37. The Australian Constitution should also be amended to secure recognition for and protection of indigenous rights, to establish a mechanism to ensure

that indigenous rights were respected, and to conclude agreements on relations between indigenous and non-indigenous peoples based on partnership and mutual respect.

38. The Commission on Human Rights should include the theme of the elimination of racial discrimination against indigenous peoples on the agenda of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Conference should also closely examine the role of the media in general and the Internet in particular in inciting racial hatred, as well as how the media could be used to combat racial discrimination.

39. Ms. GUTIERREZ (Latin American Human Rights Association) said that the Latin American Human Rights Association was a national indigenous organization representing 56 indigenous Mexican peoples whose rights had been systematically violated and whose cultures had been progressively denigrated since the start of the colonial period. Indigenous peoples were marginalized, poverty-stricken and subject to discrimination. She thanked Governments which had promoted the indigenous cause and Ms. Daes for her report on indigenous people and their relationship to land.

40. Indigenous peoples throughout the world were willing to forge a new relationship with national Governments, as evidenced for example by the signing of the San Andrés agreements in Chiapas in February 1996. Unfortunately, those agreements had remained a dead letter, the agrarian conflicts had continued and the Government, preferring force to negotiation, was currently conducting a vast military offensive in Chiapas.

41. The land problem in Mexico had not gone away. Indigenous communities with titles to property had been dispossessed of much of their land. Decisions by the courts ordering the return of the land had not been implemented. Yet land formed the basis of the physical, material and cultural existence of indigenous peoples. The international community should act urgently to prevent further violence in the areas of Mexico which were home to indigenous peoples and urge the Mexican Government to reopen dialogue.

42. Ms. CASATI (Observer for Paraguay) said that Paraguay was home to 50,000 indigenous people out a total population of 5.5 million. The rest of the population was a harmonious mixture of Spanish colonists, Guaranis and immigrants who had arrived in the country at a later date. Interbreeding in Paraguay had been so rapid that Don Hernando Arias de Saavedra, appointed Governor of Paraguay in 1596, had been the fruit of a union between a Spanish father and a Guarani mother. Yet the country's Guarani culture had not been submerged.

43. In order to resolve the problem of the landless peasantry, the Paraguayan authorities had launched a programme of agrarian reform designed to provide every farmer with land, for example by expropriating abandoned land.

44. In Paraguay, all persons were equal in dignity and rights and discrimination did not exist. The Constitution guaranteed indigenous peoples the right to participate in the economic, social, political and cultural life of the country while respecting their traditions. It acknowledged their right

to hold land collectively and to develop their ethnic identity, provided of course that they did not undermine the fundamental rights enshrined in the Constitution, thereby avoiding any unfair discrimination against the rest of the population. It was wrong to extend privileges to one section of the population while withholding them from others. The original inhabitants of Paraguay could not be identified with any certainty. In order to establish a developed and stable society, it was necessary to strike a balance between the past and the present and respect the country's heritage.

45. Given the characteristics of the country, it would be difficult to hand over to indigenous people all the land which they considered necessary to preserve their traditional way of life without using new agricultural techniques. The Paraguayan Government was prepared to do everything in its power to ensure that indigenous people played an active part in national life in accordance with article 34 of ILO Convention No. 169, which stated that the nature and scope of measures to give effect to the Convention should be flexibly defined and take account of the specific conditions in each country.

46. The Mennonites in the Chaco region had become major food producers and had played a significant role in civilizing indigenous communities while respecting their traditions.

47. Mr. LABBE (Observer for Chile) said that throughout the nineteenth century and for most of the twentieth century, Chilean national policy towards indigenous peoples had been integrationist in character. Furthermore, the authorities had resorted to legal quibbles in order to strip indigenous peoples of their lands. That policy had been pursued even more vigorously under General Pinochet's military regime.

48. Thus in 1989 indigenous communities had lost over 700,000 hectares; they currently held no more than 80,000 hectares. Government policy towards indigenous peoples had changed radically since the restoration of democracy. The indigenous population was considered an integral part of the nation and its cultural identity had been respected. Moreover, in the past nine years, the State had recovered over 240,000 hectares which had been restored to the indigenous communities. The cost of the transfer had been $628 million.

49. In addition, the law prohibited non-indigenous people from acquiring indigenous lands. The Government had requested Parliament to ratify ILO Convention No. 169 nine years previously but to date the Senate had blocked the initiative.

50. His Government was aware of the problems facing indigenous peoples and was endeavouring to address them. To that end it had established the Indigenous Development Corporation, the board of which comprised representatives of the eight major ethnic groups in the country elected by secret ballot by their own communities.

51. It was true that much remained to be done, but the results to date had been the fruit of ongoing dialogue between the Government and the genuine representatives of the indigenous communities. Unfortunately, that state of affairs had upset certain leaders who were not representative; to make

themselves heard, they had resorted to violence, thereby considerably complicating the efforts of the Government, which was obliged to respect the rule of law.

52. Mr. Alfonso Martínez was to be congratulated for his extremely valuable report concerning treaties, agreements and other constructive arrangements between Governments and indigenous populations. His conclusions on the validity of the treaties ratified by indigenous peoples were holistic and enlightened in their approach. However, it might be useful to summarize in a separate document the comments which the Special Rapporteur's report was sure to provoke.

53. Mr. REN Yisheng (Observer for China) said that, under the able direction of Ms. Daes, the Working Group on Indigenous Populations had won the respect of the international community and had done much to raise awareness of the plight of indigenous communities which were still suffering from the odious effects of colonialism and the failure to accord them equal rights.

54. He welcomed the fact that the report prepared by Mr. Alfonso Martínez had included the views and suggestions of the Sub-Commission's experts and other parties concerned. The report was very scholarly and laid a foundation for future study of indigenous populations. Mr. Alfonso Martínez had taken care to define indigenous populations and distinguish them very clearly from national or ethnic minorities. The most salient characteristic of most of the world's indigenous populations was the fact that they had lived on their land since time immemorial prior to the arrival of settlers who had enslaved them politically and economically. China endorsed paragraphs 67 and 68 of the report which advanced the view that, historically speaking, the concept of "indigenous people" was not applicable in Asia. Foreign colonial rule of Asian peoples had passed into history. Consequently, Asia was home to minorities rather than indigenous peoples.

55. There was no indigenous issue in China. All of China's ethnic groups, including the Han, had coexisted for 5,000 years and had treated each other equally. Each ethnic group had made its own distinctive contribution to the unity and development of the country.

56. Ms. DWARKA-CANABADY (Observer for Mauritius) said that her delegation attached great importance to the reports prepared by Ms. Daes and Mr. Alfonso Martínez, which had highlighted a number of interesting although difficult issues. It would be useful to share the contents of the reports with major regional organizations, not only to sensitize them to the issues involved, but also to seek their views. Her delegation had in mind, in particular, the Organization of African Unity (OAU), whose political affairs division was extremely active, the African Commission on Human and Peoples' Rights and the Southern African Development Coordination Conference (SADCC).

57. Mr. NEGRIN (Observer for Mexico) said that Mexico's indigenous populations, which numbered some 10 million people, formed part of the richness and diversity of the Mexican nation. Unfortunately, for centuries they had been subject to oppression which they could only overcome if their identity was fully acknowledged and respected. The Mexican Government had therefore initiated a new policy based on dialogue, negotiation and

consultation with the indigenous communities. The Mexican Congress was currently considering a reform of the Constitution which aimed to give the autonomous populations new political, legal, economic, social and cultural rights. To date, 18 of the 32 Mexican states had undertaken constitutional and legislative reforms towards that end. Autonomous jurisdictions had been established, for example to examine land-related issues in a way that took account of the various forms of land ownership. Furthermore, in accordance with the San Andrés agreements, a variety of federal laws on various topics such as the environment, forestry and royalties had been amended. Special bodies had been established, particularly under the Human Rights Commission, to promote the rights of indigenous peoples. In some states, courts officered by indigenous people had been established to settle inter-community disputes. The Government had also prosecuted persons who violated indigenous rights. In July, 20 people had been convicted in a court of first instance in connection with the Acteal massacre of December 1997.

58. His Government rejected allegations that the Mexican army had recruited or armed paramilitary groups. It was true that illegal armed civilian groups existed, particularly in the Chiapas region. The army limited itself to duties connected with the maintenance of public order, and only intervened in exceptional cases. Such an incident had occurred recently when a road-construction firm had encountered resistance from the Ejército Zapatista para la Liberación Nacional (EZLN). In reality, the Mexican Government had spared no effort to encourage indigenous populations, particularly in Chiapas, to overcome their economic and social backwardness.

59. Mr. Ramishvili, Vice-Chairman, took the Chair.

60. Mr. JOINET said that the issue of indigenous populations had become a topic of discussion during the cold war. The issue was still highly sensitive because in some political circles it was believed to be a destabilizing factor. The Sub-Commission had managed to overcome that obstacle, thanks largely to the work of Ms. Daes and Mr. Alfonso Martínez.

61. Their reports demonstrated that the relationship of indigenous peoples to land excluded a conventional legal approach. It was clear that, where such populations were concerned, it was impossible to apply the conventional rules of land ownership. That was why, in paragraph 307 of his report, Mr. Alfonso Martínez had recommended the establishment of entirely new jurisdictions to deal exclusively with indigenous issues, independent of existing governmental structures. But at the same time, the tie with the State should not be severed completely. It was therefore hard to imagine how such jurisdictions could be completely independent.

62. Ms. DAES thanked all the experts, NGOs and observer delegations which had taken the time to read her report and had commented on it. She appreciated the clarifications made by the delegations from Member States regarding the situation of indigenous populations in the countries concerned. In addition, a number of NGOs had made suggestions concerning the time allotted for meetings of the Working Group on Indigenous Populations, which would be taken up in the relevant draft resolution.

63. Mr. ALFONSO MARTINEZ said that the debate on agenda item 7 had been of very high quality. It had been an extremely open discussion which had accommodated a number of sometimes discordant views. As Mr. Eide had rightly remarked, document E/CN.4/Sub.2/1999/20, far from being the last word on the subject, had in fact been a starting point for further reflection. Referring to the comments made by Mr. Fan Guoxiang, the important point was not to decide whether indigenous issues were of more relevance to Africa or Asia. The core issue was self-determination. Mr. Weissbrodt had proposed defining a concept along the lines of "indigenous self-determination". But self-determination did not need to be qualified. Self-determination was self-determination, just as interference was interference, even when carried out for humanitarian purposes. Likewise, torture was still torture, even when it was claimed to be inflicted in moderation. However, self-determination did not necessarily imply secession or independence; it simply meant that Governments should respect choices made by indigenous populations.

Statements in exercise of the right of reply

64. Ms. JAHAN (Observer for Bangladesh) said that her delegation deplored the tendency to introduce extraneous issues into the debate on indigenous peoples. As had been stressed repeatedly, indigenous peoples were those who had lived on their land since time immemorial and had been dispossessed of their land at some stage in their history. A clear distinction needed to be drawn between the notion of an indigenous population and that of a tribe or ethnic group. That distinction was clearly brought out in paragraph 76 of Mr. Alfonso Martínez's report.

65. Mr. DO NASCIMENTO PEDRO (Observer for Brazil) said that his Government wished to invite representatives of the NGO Liberation to visit Brazil in order to study the situation of indigenous peoples at first hand. The peoples in question were dispersed across a vast swathe of territory equivalent to the size of France and Great Britain combined. In the Xingu national park, 3,600 indigenous peoples belonging to 14 different ethnic groups occupied an area the size of Belgium. It was true that the process of demarcating indigenous lands, which required a multidisciplinary approach, was perhaps not advancing as rapidly as Liberation would wish. The political will of the Brazilian Government to respect the rights of indigenous peoples could not be faulted; it was quite prepared to entertain a dialogue with Liberation on the matter.

66. Mr. RUIZ Y AVILA (Observer for Mexico) said that two NGOs, namely Humanitarian Law Project and Franciscans International, had claimed that his Government was waging all-out war against the indigenous peoples of the Chiapas region. It should be noted not only that his Government had adopted a law amnestying members of the Ejército Zapatista para la Liberación Nacional (EZLN), but also that, in March 1999, representatives of that movement had been able to travel throughout the country unmolested as part of a nationwide consultative process. Having accepted a political solution, the EZLN had then refused to continue negotiations and had suspended implementation of the San Andrés agreements. On 13 July 1999, the authorities in Chiapas had launched a reform programme which had subsequently been endorsed by 16 of the 32 insurgent municipalities, the so-called autonomous municipalities. As for persons displaced within Chiapas as a result of guerrilla operations, the Mexican Government and the International Committee of the Red Cross (ICRC) had devised a joint programme to enable them to return

to their communities of origin. A number of NGOs had also visited Chiapas without any restrictions; some had been obliged to leave the area after violating Mexican law. The soldiers who had recently been sent to Chiapas were there for the sole purpose of providing protection to road-building firms in the area.

67. The sparsely populated Chimalapas region had been declared a protected zone, meaning that local people were expected to respect relevant environmental protection standards.

68. Mr. LABBE (Chile) said that his Government highly appreciated the work of NGOs. Naturally enough, they occasionally said things which Governments did not like to hear. However, some of what had been said by certain NGOs about Chile was downright nonsense, for example the claim that there were "armed militias" in Chile. If the NGOs making those claims had the slightest acquaintance with his country, they would soon realize that such allegations were absurd. They should concentrate their energies on being serious.

69. The Chairman declared the discussion on agenda item 7 closed.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (E/CN.4/Sub.2/1999/21 and 37; E/CN.4/Sub.2/1999/NGO/2, 6, 11 and 18)

70. Mr. EIDE, speaking as Chairman-Rapporteur of the Working Group on Minorities and introducing agenda item 8, said that it was only in 1992 that the General Assembly, responding to the concerns of a number of groups which were anxious to preserve their identity, had adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Sub-Commission had subsequently established the Working Group on Minorities, whose mandate was to examine the implementation of the Declaration, suggest solutions to the problems facing minorities, and recommend measures to protect their rights. Since its very first session in 1995 and its most recent in May 1999, the Working Group had benefited from the participation of Government observers, representatives of various bodies in the United Nations system, NGO observers and experts on the issue of minorities. The specialized agencies, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), ICRC, the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF) had also shown close interest in the Working Group's activities. It had thus become a forum for dialogue where views had been exchanged on the causes of problems facing minorities, in particular the forced displacement of populations and their repatriation, the establishment of rapid-reaction mechanisms and the role of the media in promoting tolerance and understanding. Considerable importance had been attached to multicultural and intercultural education.

71. At its 1999 session, the Working Group had considered it important to encourage regional organizations to send representatives to its meetings. It had also noted that Africa was under-represented, mainly owing to a lack of resources. The Working Group had therefore recommended that UNHCR should launch an appeal for donors in order to facilitate the participation of certain minority groups in the activities of the Working Group.

72. The Working Group was currently preparing a manual for publication in minority languages. It would include the text of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, an explanatory note concerning the principles contained in the Declaration and the procedures and mechanisms available to members of minority communities in order to publicize their concerns. A revised version of the text would be submitted to the Working Group at its next session.

73. In May 1999 the Working Group had made a special study of the effective participation of minorities in all areas of life, which implied proper representation in legislative, administrative and advisory bodies. There was also a need to remove obstacles to the acquisition of citizenship by members of minority communities. All those factors were closely linked to an awareness of the plurality of cultures, whence the importance of multicultural and intercultural education. The issue would be taken up again at a seminar to be held in Canada in September 1999.

74. The Working Group wished to pay tribute to one of its most eminent participants, Mr. Neelan Tiruchelvam, a representative of the Tamil minority in Sri Lanka, who had been killed by a bomb as he left his house in Colombo. The terrorist organization which habitually carried out those attacks had once again intended to wreck the possibility of a peaceful settlement of the conflict between the majority and minority populations. It was to be hoped that the settlement plan for Sri Lanka drawn up by Mr. Tiruchelvam would be implemented and bring peace to that conflict-stricken island.

75. Ms. CECHUROVA (Transnational Radical Party) said that the tendency to define a multi-ethnic State as the property of one ethnic group was a fatal political error which could only lead to conflict.

76. A misguided policy was being pursued in the Former Yugoslav Republic of Macedonia, where the country had been defined as the property of Macedonians and any attempt at historical or cultural self-determination by Albanians had been branded "secessionist". The planned establishment of an Albanian university had been forbidden by the authorities on the pretext that it would encourage "parallelism" in Macedonian society, and there were tight restrictions on the use of the Albanian language in higher education. Moreover, despite comprising a third of the population, Albanians were significantly under-represented in the civil service, where they occupied just 3 per cent of the posts. Although there were leaders on both sides who maintained that coexistence between Albanians and Macedonians was possible, mutual distrust had undermined the democratic system and made it impossible to articulate the interests of the majority and the various minorities in a multi-ethnic Macedonia. In some societies, minorities which had been denied access to power eventually lost their loyalty to the regime. Such societies needed to overcome the emphasis on belonging to a particular ethnic group and concentrate on building consensus rather than opposition. The Sub-Commission should take all necessary steps to encourage the Former Yugoslav Republic of Macedonia to secure equal rights in law and in fact for all its citizens.

77. Ms. LEVERGER (France Libertés-Fondation Danielle Mitterrand) drew the attention of the Sub-Commission to the oppression of the Vietnamese Caodaists, followers of a minority religion with 4 million adherents who lived chiefly in

southern Viet N m. Over the past 20 years, the Vietnamese Communist Party had dispersed the Caodaist leadership and confiscated most of its holy places, thereby violating the Vietnamese Constitution which guaranteed religious freedoms and protected places of worship. The true Caodaist leaders had begun a campaign of dissent and were continuing to defend their rights. They had sent a petition to the Vietnamese Government which had still not been answered.

78. The Kurds, another age-old and oppressed minority, had been unnaturally split between four different States which refused to recognize them as a minority. The Kurdish people had experienced constant violations of their basic rights, including the mass deportation of more than 3 million people, the destruction of thousands of villages, the murder and censorship of intellectuals, and the Turkish ban on the use of the Kurdish language and the perpetuation of Kurdish culture which had been imposed on 15 million people. The international community should stop treating the Kurds with indifference and ensure that they were recognized as a national minority in the Islamic Republic of Iran, Iraq, the Syrian Arab Republic and Turkey.

79. Mr. BEERSMANS (International Movement for Fraternal Union among Races and Peoples), outlining the situation in Jammu and Kashmir, said that in 1990 the Hindu minority in the Kashmir valley had been the target of atrocities committed by Muslim fundamentalists, as a result of which some 300,000 people were still forced to live in inhuman conditions in camps. The Lahore peace declaration signed in February 1999 by the Prime Ministers of India and Pakistan had unfortunately never been implemented. In May 1999, an undeclared war had broken out between the two countries when units of the Pakistani regular army had entered the north-eastern sector beyond the line of control and forced 30,000 people to flee their homes. Although Pakistan had since been obliged to withdraw its troops under pressure from the international community, the situation was still far from normal and shelling had continued in the north-eastern sector. In other areas of Jammu and Kashmir, foreign mercenaries were waging a systematic campaign of annihilation against Hindus, moderate Muslims and political leaders. In order to end the sufferings of the people of Jammu and Kashmir and find a peaceful solution to a conflict which had lasted for more than 50 years, the Indian and Pakistani Governments should observe their mutual obligations and resume negotiations on the basis of the Shimla agreement and the recent Lahore peace declaration.

80. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that she welcomed the proposal made by several members of the Sub-Commission under agenda item 3 to conduct a study on the Roma and the Sinti. Discrimination and prejudice against those minorities continued to be deep-rooted in many European countries. In Bavaria in southern Germany, for example, the authorities had continued the practice of specially registering the Roma and Sinti communities in the name of "preventive crime combat", maintaining that they were a danger to public order. Similar terms had once been used by the Nazi regime.

81. In Asia, the Dalits or "untouchables" continued to be subject to collective discrimination, particularly in India where they numbered 150 million. In Tamil Nadu, people still believed that untouchables could transmit impurity merely by physical contact or close proximity. There and

elsewhere, their rights were systematically flouted. They were denied access to water and their freedom of movement, expression and assembly was curtailed. Because they belonged to an inferior caste, they were forbidden to marry people from other castes or to acquire wealth. Dalit women working as agricultural wage earners were physically and sexually abused by landlords who normally belonged to other castes. More generally, Dalits were subjected to inhuman, degrading and unfair labour practices.

82. In southern Asia, the ethnic conflict in Sri Lanka was a matter of great concern. It was disappointing that the Sri Lankan Government had delayed the introduction of constitutional reforms. It was essential to find a peaceful solution to the conflict, and the murder of Neelan Tiruchelvam was to be condemned. All the parties concerned should initiate a dialogue and call upon the United Nations to facilitate the process.

83. The recent tragic ethnic conflicts in Rwanda and Kosovo had demonstrated the importance of early intervention and prevention mechanisms. To that end, the Working Group on Minorities should play a greater role in helping minorities throughout the world to make their voices heard. Governments should make voluntary contributions to enable more minority representatives to participate in the Working Group.

84. The CHAIRMAN said that, when it had completed its consideration of agenda item 8, the Sub-Commission would take up agenda item 1 (c) (Methods of work of the Sub-Commission).

85. Mr. ALFONSO MARTINEZ said that, in its report on the rationalization of the work of the Commission on Human Rights (E/CN.4/1999/104), the Bureau of the fifty-fourth session of the Commission had stated in its Observation 27 that the Sub-Commission was the most expensive United Nations body. Section 22 of the proposed programme budget for the biennium 2000-2001 (A/54/6) stated that the services provided to the Sub-Commission were four times more expensive than those provided to the Commission on Human Rights. He would be grateful for more information on the reasons for that discrepancy, particularly when it was borne in mind that the Commission on Human Rights met for much longer than the Sub-Commission and required a much wider range of services.

The meeting rose at 6.10 p.m.